

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

V.

0.730 ACRES OF LAND, MORE OR LESS,  
SITUATE IN STARR COUNTY, STATE  
OF TEXAS; AND MARTIN RICARDO  
GARZA, ET AL.,

*Defendants.*

§ § § § § § § § § § § § § § § §

CASE NO.: 7:20-CV-255

## STATUS REPORT

The United States files this status report in accordance with the Court’s January 15, 2021 Order.<sup>1</sup>

## PROCEDURAL HISTORY

1. This is a condemnation case for the border fence/infrastructure project involving land in Starr County, Texas.
2. On September 2, 2020, the United States filed the Complaint<sup>2</sup> and Declaration of Taking.<sup>3</sup>
3. On September 2, 2020, the Court set an initial pretrial conference for November 10, 2020.<sup>4</sup> However, the Court subsequently continued this initial pretrial conference to January 12, 2021, and ordered the parties to confer and file a joint discovery/case management plan by January 4, 2021, in its November 6, 2020 Order.<sup>5</sup> Additionally, the

<sup>1</sup> Dkt. No. 27.

<sup>2</sup> Dkt. No. 1.

<sup>3</sup> Dkt. No. 2.

<sup>4</sup> See Dkt. No. 5.

<sup>5</sup> See Dkt.No. 7.

Court ordered the United States to provide proof of service of all Defendants to the Court or provide good cause for its failure to do so by November 27, 2020.

4. On November 17, 2020, the United States filed a Certificate of Commencement of Service by Publication for the Unknown Heirs of Martin Garza.<sup>6</sup>
5. On November 20, 2020, the Summons were filed with the Court.<sup>7</sup>
6. On November 23, 2020, the Summons were issued by the Court.<sup>8</sup>
7. On November 23, 2020, the United States filed a Waiver of Service of Judicial Process for Ameida Salinas.<sup>9</sup>
8. On November 25, 2020, the United States filed a Status Report to update the Court on progress and status of service.<sup>10</sup>
9. On November 30, 2020, the United States filed an Affidavit of Service for Jaime A. Garza.<sup>11</sup>
10. On November 30, 2020, the United States filed a Declaration of Not Found for Deonicia Alvarez Garza.<sup>12</sup>
11. On November 30, 2020, the Court entered an Order for the United States to provide proof of service of all Defendants to the Court or provide good cause for its failure to do so by Friday, December 18, 2020.<sup>13</sup>
12. On December 7, 2020, the United States filed an Affidavit of Service for Marco A. Garza.<sup>14</sup>

---

<sup>6</sup> Dkt. No. 8.

<sup>7</sup> Dkt. No. 9.

<sup>8</sup> Dkt. No. 10.

<sup>9</sup> Dkt. No. 11.

<sup>10</sup> Dkt. No. 12.

<sup>11</sup> Dkt. No. 13.

<sup>12</sup> Dkt. No. 14.

<sup>13</sup> Dkt. No. 15.

<sup>14</sup> Dkt. No. 16.

13. On December 11, 2020, the United States filed a Certificate of Commencement of Service by Publication for the Unknown Heirs of Martin Garza<sup>15</sup> At this time no one has come forward as an Unknown Heir of Martin Garza.
14. On December 14, 2020, the United States filed a Certificate of Commencement of Service by Publication for Deonicia Alvarez Garza, San Juanita Garza, Martin Ricardo Garza, Marissa Iris G. Lee, Aaron Garza and Marco A. Garza.<sup>16</sup>
15. On December 15, 2020, the United States filed an Affidavit of Service for San Juanita Garza.<sup>17</sup>
16. On December 17, 2020, the United States filed a Declaration of Not Found for Aaron A. Garza.<sup>18</sup>
17. On December 18, 2020, the United States filed a Status Report to update the Court on progress and status of service.<sup>19</sup>
18. On December 23, 2020, the United States filed an Affidavit of Service for Maria Iris G. Lee.<sup>20</sup>
19. On January 7, 2021, the Court entered an Order for the parties to file a joint discovery/case management plan by January 8, 2021, and to include an explanation as to why the parties failed to file a joint case management plan by January 4, 2021. Additionally, the Court ordered the parties to show cause at the January 12, 2021, initial pretrial and scheduling conference for failure to timely file a joint discovery/case management plan.<sup>21</sup>

---

<sup>15</sup> Dkt. No. 17.

<sup>16</sup> Dkt. No. 18.

<sup>17</sup> Dkt. No. 19.

<sup>18</sup> Dkt. No. 20.

<sup>19</sup> Dkt. No. 21.

<sup>20</sup> Dkt. No. 22.

<sup>21</sup> See Dkt. No. 23.

20. On January 8, 2021, the United States filed its second unilateral discovery/case management plan with an explanation as to why it was not able to file a joint discovery/case management plan by January 4, 2021.<sup>22</sup> As explained in the United States' second unilateral discovery/case management plan, the undersigned did not file a joint discovery/case management plan because, after numerous attempts, he was unable to confer with any of the heirs of the Martin Garza as required by Rule 26(f). The undersigned counsel had previously filed a unilateral joint discovery/case management plan in this case.<sup>23</sup> This Court had previously provided guidance in a separate case not to file premature or unilateral joint discovery/case management plans and that Rule 26(f) requires the participation of all parties to the case.<sup>24</sup> The undersigned intended to inform the Court of these issues at the initial pre-trial scheduling conference set for January 12, 2021.<sup>25</sup>

21. On January 8, 2021, the United States filed its Opposed Motion to Substitute San Juanita J. Garza, Dependent Administrator of the Estate of Martin Corona Garza, in Place of the Known and Unknown Heirs of Martin Garza.<sup>26</sup>

22. On January 8, 2021, the United States filed its Certificate of Publication.<sup>27</sup>

23. On January 12, 2021, the initial pre-trial conference and show cause hearing was held before the Court.<sup>28</sup> In light of the admonishment of the Court, the undersigned counsel has reviewed subsequent publications to make sure there are no discrepancies between what is being filed with the Court and what is being published.

---

<sup>22</sup> Dkt. No. 26.

<sup>23</sup> See Dkt No. 6.

<sup>24</sup> See No. 7:20-cv-317, Dkt. No. 14.

<sup>25</sup> See Dkt No. 26.

<sup>26</sup> Dkt. No. 25.

<sup>27</sup> Dkt. No. 24.

<sup>28</sup> See Dkt No. 23.

**STATUS UPDATE**

24. On January 20, 2021, President Joseph R. Biden executed a Presidential Proclamation, terminating the national emergency at the Southern Border Wall and directing “a careful review of all resources appropriated or redirected to construct a southern border wall” through the development of “a plan for the redirection of funds concerning the southern border wall.”<sup>29</sup>
25. The plan for the redirection of funds concerning the southern border wall is expected to be developed within 60 days from the date of the proclamation and accordingly, Plaintiff’s position as to the taking in this case will be determined upon completion and entry of the referenced **Plan for Redirecting Funding and Repurposing Contracts**.<sup>30</sup>
26. Undersigned counsel for the United States does not know at this point if construction will proceed on the subject property (RGV-RGC-5063).

Respectfully submitted,

**RYAN K. PATRICK**  
United States Attorney  
Southern District of Texas

By: **s/Manuel Muniz Lorenzi**  
**MANUEL MUNIZ LORENZI**  
Assistant United States Attorney  
Attorney in Charge  
Southern District of Texas No. 3381592  
Puerto Rico Bar No. 21246  
1701 W. Bus. Highway 83, Suite 600  
McAllen, TX 78501  
Telephone: (956) 992-9435  
Facsimile: (956) 618-8016  
E-mail: [Manuel.Muniz.Lorenzi@usdoj.gov](mailto:Manuel.Muniz.Lorenzi@usdoj.gov)

---

<sup>29</sup> Pres. Proc. No. 10142, 86 Fed. Reg. 7225 (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/proclamation-termination-of-emergency-with-respect-to-southern-border-of-united-states-and-redirection-of-funds-diverted-to-border-wall-construction/>.

<sup>30</sup> *Id.*

**CERTIFICATE OF SERVICE**

I, Manuel Muniz Lorenzi, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on February 8, 2021, I mailed a true and correct copy of the foregoing document to the all parties for whom the United States has contact information.

By: s/Manuel Muniz Lorenzi  
**MANUEL MUNIZ LORENZI**